

RESOLUTION NO. R- 85-1957

RESOLUTION APPROVING ZONING PETITION 85-71, Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 85-71 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th September 1985; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. Petitioner has voluntarily agreed to provide the School Board of Palm Beach County \$67,000.00 representing \$250.00 for each of the 268 dwelling units in the subject development. These funds shall be used by the School Board of Palm Beach County for school site acquisition and/or site related improvements, to alleviate schools serving the area of Palm Beach County in which the P.U.D. is located.
3. Payment shall be made in full to the School Board of Palm Beach County at time of issuance of first residential building permit within the P.U.D.

NOW, THEREFOHE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 30th of September 1985, that Petition No. 85-71 the petition of WOODS WALK ASSOCIATES, LTD. By Richard Pines, President, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land situated in Block 25 of "Palm Beach Farms Company Plat No. 3", as recorded in Plat Book 2, Pages 45 through 54, said parcel

being a portion of Tracts 33-38 inclusive and Tracts 47-49 inclusive and Tract 51 all of said Block 25, also being situated in Sections 19 & 30, Township 44 South, Range 42 East, and being more particularly described as follows:

Beginning at the Southwest corner of Tract 47 of said Block 25; thence North 90 degrees 00'00" East along the South line of said Tract 47 and also along the perimeter of Cypress Trails, P.U.D., as recorded in Plat Book 42, Pages 28-30, a distance of 675.00 feet to a point on the centerline of an abandoned Palm Beach Farms Right-of-Way being 30.00 feet in width; thence North 00 degree 00'00" East, along said centerline and running along a line 15.00 feet West of and parallel with the perimeter of said Cypress Trails, and also 15.00 feet East of and parallel with the East line of Tracts 47, 38 & 33 of said Block 25, a distance of 1945.00 feet to the Southerly Right-of-way line of the Lake Worth Drainage District Lateral Canal No. L-11, as recorded in Official Record Book 3716, Page 689, thence North 90 degrees 00'00" West, along said Southerly Right-of-way line and along a line 65.00 feet South of and parallel with the North line of Tracts 33, 34 & 35 of said Block 25, a distance of 1972.06 feet to the Easterly Right-of-way line of the Lake Worth Drainage District Equalizing Canal No. E-1 as recorded in Official Record Book 3716, Page 689; thence South 02 degrees 56'32" West, along a line 40.00 feet East of and parallel with the West line of Tracts 35, 36 & 49 of said Block 25, a distance of 1708.06 feet; thence North 89 degrees 59'00" East, departing said parallel line, a distance of 1042.63 feet; thence South 00 degree 01'00" East, a distance of 843.70 feet; thence North 89 degrees 59'00" East, along the existing North Right-of-way line of Lake Worth Road and along a line 50.00 feet North of and parallel with the centerline of said Lake Worth Road, a distance of 341.85 feet; thence North 00 degree 00'00" East a distance of 604.11 feet to the Point of Beginning. Said property located on the north side of Lake Worth Road, approximately .2 mile east of State Road 7 (U.S. 441), and being bounded on the north by L-11 Lake Worth Drainage District Canal was approved as advertised subject to the following conditions:

1. Prior to Site Plan Certification the site plan shall be amended to reflect the following:
  - a) Specification of recreation and park amenities.
  - b) Provision for a 20 foot maintenance berm around the lake system.
  - c) Provision for a pedestrian system around the centralized lake and preserve areas.
  - d) Delineation of significant vegetative areas throughout the development with acreage figures and approximate dimensions.
2. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design: Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
3. Prior to Site Plan Certification, a cross access easement to the adjacent P.C.D. to the west shall be executed.
4. The Development shall retain onsite 85% of the stormwater runoff generated by a three (3) year one-hour storm per requirements of the Permit Section, Land Development Division.
5. The property owner shall convey for the ultimate right of way of Lake Worth Road, 120 feet north of the existing south right-of-way line of Lake Worth Road, within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of the first Building Permit.
6. The developer shall construct a left turn lane west approach and a right turn lane east approach at the project's Entrance Road and Lake Worth Road.
7. The Petitioner shall provide Palm Beach County with a road drainage easement with sufficient retention/detention capacity through this project's internal lake system to legal positive outfall for the road drainage of State Road 7 and Lake Worth Road. This drainage easement shall be subject to all governmental agency requirements.
8. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently, the Fair Share Fee for this project is \$196,336.00.
9. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$49,084.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds are to be paid prior to the issuance of a Building Permit or By December 1, 1985 whichever shall occur first.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount shall be credited toward the increased Fair Share Fee.
10. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.
11. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
12. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

13. In order to comply with the Mandatory Traffic Performance Standards the property owner shall be limited to 130 building permits until Lake Worth Road has been widened to a 4-lane median divided section under the Florida Turnpike.

14. Density shall be limited to 2.0 units per acre.

Commissioner Spillias, moved for approval of the petition. The motion was seconded by Commissioner Owens, and upon being put to a vote, the vote was as follows:

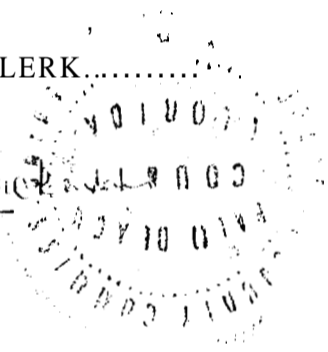
Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	ABSENT
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	NAY

The foregoing resolution was declared duly passed and adopted this 3rd day of December 1985 confirming action of the 30th September 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK.....

BY: Richard C. Nickerson  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Janey Sprague  
County Attorney

FILED THIS ..... DAY OF  
..... DEC. 03. 1985 ..... 19 .....  
AND RECORDED IN  
MINUTE BOOK NO. .... AT  
PAGE ..... RECORD VERIFIED  
JOHN S. DUNKLE, CLERK  
By P.K. ..... D.C.